

The Examiner has also imposed a species election under 35 U.S.C. § 121. Applicants previously elected Compound 78, (Oleyl 1-thiophosphoryl-2-*O*-methyl-*rac*-glycerate), described at page 69 of the specification.

In Paper No. 9, the Examiner has stated that Applicants were deemed to be non-response due to the elected species not falling within the chosen group. In Paper No. 6 however, the Examiner stated at page 3 that "Claims 4 and 7 are not grouped. In the event that applicants elect any of Groups 1-4, claims 4 and 7 will be joined therewith." Applicants believed that compound 78 (Oleyl 1-thiophosphoryl-2-*O*-methyl-*rac*-glycerate) was embodied within claim 7 (A composition comprising 3 Oleyl 1-thiophosphoryl-2-*O*-methyl-*rac*-glycerate or a salt thereof.) In light of the Examiner's remarks in Paper No. 9, Applicants understand that Compound 78 is better described within Claim 5. For this reason, Applicants hereby elect invention No. 5 as described on page 3 of Paper No. 6 (Claim 5, drawn to compositions) and reaffirm their election of compound 78 as a species for examination. Applicants respectfully request that Claim 7 be joined with this chosen group as well.

REMARKS

The above-identified patent application has been reviewed in light of the Examiner's Action mailed 20 August 2002 (Paper No. 9). Applicants have corrected their response to the restriction requirement and reaffirmed their species election without intending to abandon or to dedicate to the public any patentable subject matter.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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